

PROB 12C
(7/93)

Report Date: September 19, 2013

United States District Court

for the
Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 19 2013

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Gabriel Joshua Kindness

Case Number: 0980 2:09CR02099-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: May 11, 2010

Original Offense: Possession of Unregistered Firearm, 26 U.S.C. § 5861

Original Sentence: Prison - 24 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Alexander Carl Ekstrom Date Supervision Commenced: July 8, 2013

Defense Attorney: Rick Lee Hoffman Date Supervision Expires: July 7, 2015

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kindness tested positive for amphetamines on July 10, 2013.

On July 10, 2013, Mr. Kindness submitted to a drug test which was later confirmed positive for the presence of amphetamines by Alere Toxicology Services, Incorporated. Mr. Kindness initially denied the use of illegal substance. It was not until the defendant was confronted with the test results that he then admitted to the use of illegal substance.

2 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Kindness was arrested for third degree theft on September 7, 2013.

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On September 19, 2013, a records check was conducted and revealed Mr. Kindness was charged with third degree theft, Wapato Municipal Court, cause number C00019023.

A police report has been requested.

3 **Standard Condition # 11:** The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: Mr. Kindness failed to report law enforcement contact after being arrested for third degree theft on September 7, 2013.

4 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Kindness failed to report to the probation office and submit his monthly report within the first 5 days of the month of September 2013.

On September 11, 2013, a home visit was conducted at Mr. Kindness' residence. The defendant was not home, but this officer spoke with his father. A message was left directing Mr. Kindness to report to the probation office and submit his monthly report form. On this same date, a late report notice was mailed to Mr. Kindness, reminding him of his failure to submit his monthly report form. Mr. Kindness has yet to report to the probation office and his current whereabouts are unknown.

5 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Kindness failed to submit to a random urinalysis testing at Merit Resource Services on September 11, 2013.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 19, 2013

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other


Signature of Judicial Officer

Jeffrey F. Nielsen
USDS

9/19/13
Date